

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALBERT D. JAMES,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-1155-M
)	
OKLAHOMA COUNTY,)	
)	
Respondent.)	

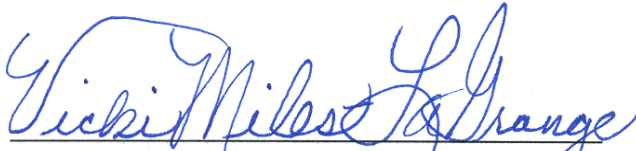
ORDER

On October 22, 2009, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action. Based upon petitioner having sufficient funds to prepay the filing fee and his failure to pay the filing fee, the Magistrate Judge recommended this action be dismissed without prejudice to refiling unless petitioner paid the \$5 filing fee on or before November 11, 2009. Petitioner was advised of his right to object to the Report and Recommendation by November 11, 2009. A review of the file reveals the filing fee has not been paid and no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on October 22, 2009, and
- (2) DISMISSES this action without prejudice to refiling due to petitioner's failure to pay the filing fee.

IT IS SO ORDERED this 3rd day of December, 2009.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE